

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|-------------------------|---|-----------------|
| ROBERT MUIR WADE, | : | Civil No.03-952 |
| Petitioner | : | |
| | : | Judge Jones |
| v. | : | |
| | : | |
| WARDEN OF SCI-ROCKVIEW, | : | |
| et al., | : | |
| Respondents | : | |

ORDER

May 5, 2006

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On September 30, 2005, Petitioner Robert Muir Wade (“Petitioner”) filed with this Court a Motion for Relief from Final Judgment, Dated December 2, 2004, Pursuant to F.R.Civ.P., Rule 60(b) (“the Motion”). (Rec. Doc. 19). Thereafter, on October 13, 2005, Petitioner filed two documents in support of the Motion. (Rec. Docs. 22 and 23). The Respondents never filed a responsive brief to the Motion.

On April 11, 2006, this Court inadvertently terminated the Motion without having ruled on it. Therefore, we shall direct the Respondents to file a brief in opposition to the Motion within thirty (30) days of the entry of this Order, or we shall deem the Motion as unopposed. Within fifteen (15) days of the filing of the Respondents’ brief, the Petitioner may file a reply brief.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Clerk is directed to reactivate the Motion for Relief from Final Judgment, Dated December 2, 2004, Pursuant to F.R.Civ.P., Rule 60(b). (Rec. Doc. 19).
2. The Respondents shall file a brief in opposition to the Motion (doc. 19) within thirty (30) days of the entry of this Order.
3. The Petitioner may file a reply brief within fifteen (15) days of the filing of the Respondents' brief.

s/ John E. Jones III
John E. Jones III
United States District Judge